

FIFTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
May 1, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Sulak.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.**S. C. R. No. 48.**

Senator Sulak sent up the following resolution:

Senate Concurrent Resolution granting Jos. V. Frnka permission to bring suit against the State of Texas.

Whereas, in 1931-1932 a new bridge was constructed on State Highway No. 3 across the Colorado River at the East end of Walnut Street of the Town of Columbus, near the residence of Jos. V. Frnka; and

Whereas, Walnut Street from Front Street to the Colorado River was therefore not used for street purpose and had been by the Town

Commission of said Town of Columbus granted to Jos V. Frnka for the purpose of constructing and maintaining a sunken Garden and Park, the same adjoining the residence of said Jos. V. Frnka; and

Whereas, for several years prior thereto said Jos. V. Frnka owned, designated, constructed, setout and maintained a Sunken Garden and Park on said non-traveled and impassable portion of said Walnut Street in said Town, the same forming a semi-bowl; and

Whereas, said Sunken Garden and Park was designed, constructed, set out, grown and maintained by said Jos. V. Frnka at considerable expense and was the most beautiful spot in the Town of Columbus, containing many beautiful ornamental and flowering trees and shrubs of many varieties; and

Whereas, said Jos. V. Frnka performed a great deal of personal labor as well as all of his family, as a matter of personal pride thereupon; and

Whereas, said Sunken Garden and Park were taken for right-of-way for said Highway No. 3, leading from Front Street to the said new Colorado River Bridge; and

Whereas, the said Jos. V. Frnka has not been paid and compensated for the loss sustained by the destruction of such Sunken Garden and Park; and

Whereas, the said Jos. V. Frnka did not attempt to prevent the building of said Highway No. 3 over the site of such Sunken Garden and Park by legal proceedings, in order not to retard progress; and

Whereas, the State of Texas does not wish to injure its citizens nor take or destroy any property belonging to a citizen without due process of law and compensation therefor; and

Whereas, the said Jos. V. Frnka should be paid and compensated for the loss sustained by him if entitled thereto; and

Whereas, such loss was sustained by the building of said new bridge and the change in the course of the said Highway No. 3, and through no fault of the said Jos. V. Frnka, and for which he has not been compensated, now therefore be it

Resolved by the Senate of Texas and House concurring, That the

said Jos. V. Frnka be, and he is hereby granted permission to bring suit in any Court of Travis County, having jurisdiction of the amount in controversy against the State Highway Department and/or against the State of Texas, to determine the amount of damages, if any, by reason of such destruction of the said Sunken Garden and Park, and to recover a judgment therefor; be it further

Resolved, that service of citation and/or all other necessary process may be had upon the Highway Commission by service upon the Chairman thereof; and upon the State of Texas by service upon the Attorney General; and that the said suit, if filed, be tried under the same rules and in like manner as civil suits, except the State of Texas shall not plead limitation in view of the fact that limitation does not run against the State, and that in the event such suit, if filed, results in recovery of a judgment in favor of the said Jos. V. Frnka no execution shall be issued thereon, but shall be paid off by the Highway Department or Highway Commission of Texas.

SULAK.

Read and referred to the Committee on State Affairs.

Senate Resolution No. 86.

The Chair appointed the following committee in compliance with S. R. No. 86: Senators Burns, Regan and Davis.

H. C. R. No. 66.

The Chair laid before the Senate on its second reading the following resolution which had been set for consideration on May 1st.

By Mr. Jones.

H. C. R. No. 66, setting the date for the sine die adjournment of the Regular Session of the Forty-fourth Legislature for Tuesday, May 7, 1935, at 12 o'clock noon.

Motion to Order Previous Question.

Senator Rawlings moved that the Senate order the previous question on H. C. R. No. 66.

The motion was seconded.

Previous Question Ordered.

The motion to order the previous question prevailed by the following vote:

Yeas—19.

Beck.	Pace.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Isbell.	Stone.
Martin.	Van Zandt.
Moore.	

Nays—9.

Collie.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Oneal.	

Absent.

Blackert.	Neal.
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Absent—Excused.

Fellbaum.

Personal Privilege.

Senator DeBerry rose to a point of personal privilege.

Point of Order.

Senator Woodruff raised the point of order that pending the final disposition of the matter on which the previous question was ordered no Senator may rise to speak on point of personal privilege.

The Chair, Lieutenant Governor Walter F. Woodul, sustained the point of order.

H. C. R. No. 66 was adopted by the following vote:

Yeas—18.

Beck.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Van Zandt.

Nays—11.

Blackert.	Oneal.
Burns.	Poage.
Collie.	Sulak.
DeBerry.	Westerfeld.
Hill.	Woodruff.
Hornsby.	

Absent.

Neal.

Absent—Excused.

Fellbaum.

Personal Privilege.

Senator DeBerry rose to a point of personal privilege.

Motion to Reconsider.

Senator Pace moved to reconsider the vote by which the Senate adopted H. C. R. No. 66.

Motion to Table.

Senator Holbrook moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—16.

Beck.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Isbell.	Shivers.
Martin.	Small.
Moore.	Stone.

Nays—14.

Blackert.	Neal.
Burns.	Oneal.
Collie.	Poage.
DeBerry.	Sulak.
Duggan.	Van Zandt.
Hill.	Westerfeld.
Hornsby.	Woodruff.

Absent—Excused.

Fellbaum.

Personal Privilege.

Senator Oneal rose to a point of personal privilege.

Personal Privilege.

Senator Hornsby rose to a point of personal privilege.

Vote Recorded.

Senator Oneal asked unanimous consent to be recorded as voting "nay" on the motion to order the previous question on H. C. R. No. 66, as he was out at the time the vote was taken.

Unanimous consent was granted.

Personal Privilege.

Senator Woodruff rose to a point of personal privilege.

Motion to Suspend Rule.

Senator Hornsby received unanimous consent to suspend the regular order and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 526.

By Senator Hornsby:

S. B. No. 526, A bill to be entitled "An Act transferring the use and possession of 16.66 acres of land out of the George W. Spear Headright League adjoining Camp Mabry in Travis County, Texas, title to which is now in the State of Texas, authorizing the Highway Department to pay to the Adjutant General's Department the sum of Thirty-two Hundred (\$3200.00) Dollars, making an appropriation to the Adjutant General's Department of such sum so received, and authorizing the Adjutant General's Department to purchase for the State of Texas a suitable right-of-way and entrance to Camp Mabry, and declaring an emergency."

Read and referred to the Committee on Finance.

House Bill No. 71.

The Chair laid before the Senate on its second reading the following bill which had been set as special order.

By Mr. Dunagan:

H. B. No. 71, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways, providing for issuance of licenses, revocation of operator's and chauffeur's licenses under certain conditions, forbidding driving by persons without licenses, providing penalties, etc., and declaring an emergency." (With committee substitute.)

The committee substitute was adopted by viva voce vote.

Vote Recorded.

Senator Hill asked to be recorded as voting "no" on adoption of committee substitute.

House Bill No. 390.

Senator Burns asked unanimous consent to set H. B. No. 390 as special order after the disposition of pending special orders.

Unanimous consent was granted.

House Bill No. 71.

Senator Redditt sent up the following amendments:

Amendment No. 1.

Amend committee substitute for H. B. No. 71 by striking out the words "and (c)" between the words "subdivision (b)" and "of this section" in line 16, Sec. 8, page 12.

REDDITT.

Read and adopted.

Amendment No. 2.

Amend committee substitute for H. B. No. 71 by inserting the words "sheriffs, chiefs of police, town marshals" between the words "taxes" and "or any highway patrolman," in line 42, Sec. 9, page 12.

REDDITT.

Read and adopted.

Amendment No. 3.

Amend committee substitute for H. B. No. 71 by striking out the words "highway patrolman" in line 50, Sec. 9, page 12 and insert in lieu thereof the words "other officers."

REDDITT.

Read and adopted.

Amendment No. 4.

Amend committee substitute for H. B. No. 71 by adding the following after the end of line 51, Sec. 9, page 12 and immediately before line 52, Sec. 10: "except as fixed by the Legislature in its biennium appropriation bill. All examinations shall be made and licenses issued hereunder in the county where the applicant resides."

REDDITT.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend committee substitute to H. B. No. 71 by adding a new subsection (b), between lines 53 and 54 on page 10, and relettering the other subsections to correspond, to read as follows:

"Drivers of commercial motor vehicles operating under the jurisdiction of the Railroad Commission of Texas who are required to have a driver's license issued by that Department, shall not be required to secure a chauffeur's or operator's license under the terms of this Act for the operation of such vehicles, and such persons shall not be amenable to the other provisions of this law incident to the issuance, renewal and cancellation of chauffeurs' or operators' licenses, respectively."

RAWLINGS.

Read and adopted.

Amend committee substitute for H. B. No. 71 by striking out the word and figures "sixteen (16)" in line 18, subsection (a) of Section 4, page 11, and insert in lieu thereof the word and figures "fourteen (14)."

DeBERRY,
DAVIS.

Read and adopted.

Amend the committee substitute for H. B. No. 71 by adding another section to be known as Section "F" under Section 4, to read as follows:

Provided that the county judge after investigation, may authorize the State Highway Patrol to issue a special license or permit to any person or persons, under the age as provided for herein when in his opinion the person so applying is qualified and conditions exist which makes it necessary for such person

to drive or operate a motor vehicle upon a highway.

BURNS.

Read and adopted.

Amend the caption to conform to the body of the bill.

POAGE.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time as substituted and amended, and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 71 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Nays—1.

Sulak.

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—16.

Beck.	Oneal.
Collie.	Poage.
Duggan.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Isbell.	Shivers.
Martin.	Stone.
Moore.	Woodruff.
Neal.	

Nays—11.

Burns.	Pace.
Cotten.	Sanderford.
Davis.	Sulak.
DeBerry.	Van Zandt.
Hill.	Westerfeld.
Holbrook.	

Absent.

Blackert.

Small.

Absent—Excused.

Fellbaum.

H. C. R. No. 75.

The Chair appointed the following committee in conformity to H. C. R. No. 75:

Senators Oneal and Holbrook.

Motion to Recess.

Senator Rawlings at 12:15 o'clock p. m., moved that the Senate recess until 2:00 o'clock p. m.

Motion pending.

Senate Bill No. 49.

The Chair appointed the following conferees on the part of the Senate on S. B. No. 49:

Senators Oneal, Burns, Davis, Cotten and Westerfeld.

House Bill No. 408.

Senator Davis moved that the Senate grant the request of the House for the appointment of a new conference committee to further consider the differences between the two Houses on H. B. No. 408.

The motion prevailed by viva voce vote.

New Conference Committee
Appointed.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 408:

Senators Davis, Pace, Burns, Cotten and Shivers.

Recess.

The motion to recess prevailed by viva voce vote.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 114.

The Chair laid before the Senate on its second reading the following bill, which had been made special order:

By Senators Duggan, Holbrook and Woodruff:

S. B. No. 114, A bill to be entitled

"An Act amending Article 7319, Article 7320, Article 7321, Article 7323, Article 7324; providing for the transfer of tax liens and making said liens eligible for investment; amending Article 7329; inserting a new Article to be known as Article 7329-A, providing for the institution of suit by the owner of any real estate sold for taxes under provisions of this Act; amending Article 7330, Article 7283; providing for the appointment of a Deputy Delinquent Tax Collector; fixing his bond; providing for his compensation; providing that the provisions of this Act shall be available to cities, towns, and other taxing subdivisions; providing for the creation of a 'plat and ownership record'; providing for the vacation of the office of tax assessor and collector upon failure to carry out the provisions of this Act; containing a savings clause and repealing all laws or parts of laws in conflict herewith and declaring an emergency."

(With committee substitute.)

The committee substitute was adopted by viva voce vote.

Pending.

S. C. R. No. 49.

Senator Cotten sent up the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, That Joint Rule 22 be and the same is hereby suspended in order that the Senate may take up and consider at this time S. B. No. 525.

COTTEN.

Read and adopted by viva voce vote.

S. J. R. No. 3.

Conference Committee Report.

Senator Moore sent up the following conference committee report:

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate,

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Committee appointed to adjust the differences between the Senate and House of Representatives on S. J. R. No. 3, have had the same under consideration and recommend to the Senate and House of Representatives that S. J. R. No. 3 in its original or in the

form passed by the Senate or the House do not pass, but recommend that in lieu thereof the Senate and House do pass S. J. R. No. 3 and S. J. R. No. 3a, in the attached form.

Your committee further recommends that neither S. J. R. No. 3 nor S. J. R. No. 3a pass without the passage of the other.

Respectfully submitted,

MOORE,
STONE,
SANDERFORD,
DeBERRY,
HILL,

On the part of the Senate.

MORSE,
PETSCH,
THORNTON,
YOUNG,
MOFFETT,

On the part of the House.

S. J. R. No. 3.

A JOINT RESOLUTION

Proposing an amendment to Article XVI of the Constitution of Texas by striking out Section 20a to Section 20e, both inclusive; prohibiting the open saloon and vesting in the Legislature the power to define and enact laws against such; vesting in the Legislature the power to regulate the manufacture, sale, transportation and possession of intoxicating liquors, including the power to provide for a State Monopoly on the sale of distilled liquors; providing that intoxicating liquors shall not be manufactured, sold, bartered or exchanged in any county, justice's precinct or incorporated city or town wherein the sale of intoxicating liquors had been prohibited by local option election held under the laws in force at the date of the taking effect of Section 20, Article XVI of the Constitution of the State of Texas, until a majority of the qualified voters of such county or political subdivision shall determine such to be lawful at an election held for that purpose; providing that such shall not prohibit the sale of alcoholic beverages containing less than 3.2 per cent alcohol by weight in cities, counties or political subdivisions in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116,

Acts of the Regular Session of the Forty-third Legislature; providing for an election on the question of the adoption or rejection of such amendment; prescribing the form of ballot; providing for the proclamation and publication of such by the Governor and making an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI of the Constitution of Texas be amended by striking out Section 20a to Section 20e, both inclusive, and substitute in lieu thereof the following:

"Article XVI. Section 20.

"(a) The open saloon shall be and is hereby prohibited. The Legislature shall have the power, and it shall be its duty to define the term 'open saloon' and enact laws against such.

Subject to the foregoing, the Legislature shall have the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State Monopoly on the sale of distilled liquors.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

"(c) In all counties, justice's precincts or incorporated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such county, justice's precinct or incorporated town or city, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall

determine such to be lawful; provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature."

Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of this State at a special election to be held throughout the State of Texas, on the fourth Saturday in August, 1935, at which election all voters favoring said proposed amendment, shall write, or have printed on their ballots the words:

"For the amendment to the State Constitution repealing Statewide prohibition, prohibiting the open saloon and providing for local option."

And those voters opposed to said proposed amendment shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution repealing Statewide prohibition, prohibiting the open saloon and providing for local option."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

Sec. 4. The sum of Eight Thousand (\$8,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expenses of said publication and election.

And

S. J. R. No. 3a.

A JOINT RESOLUTION

Proposing an amendment to Article XVI of the Constitution of the State of Texas by striking out Section 20 thereof; providing for local option on the question of the sale of intoxicating liquors for beverage purposes; providing that

spirituous liquors, or liquors composed in whole or in part of the products of distillation shall not be sold for private profit, except to the State; providing that the Legislature shall pass laws relative to the sale, possession, transportation and manufacture of such spirituous liquors; providing for the establishment of State dispensaries; providing for the manufacture, sale, transportation, and possession of all liquors which are exclusively products of the fermentation process; providing that intoxicating liquors shall not be manufactured, sold, bartered or exchanged for beverage purposes in any county or political subdivision wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws in force at the time of the taking effect of Section 20, Article XVI of the Constitution of the State of Texas, until a majority of the qualified voters of such county or political subdivision shall determine such to be lawful at an election held for that purpose; providing for an election on the question of the adoption or rejection of such amendment and making an appropriation therefor; providing for the proclamation and publication thereof; and prescribing the form of ballot.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI of the Constitution of the State of Texas be amended by striking out Section 20 thereof and substituting in lieu thereof the following:

"Article XVI. Section 20:

"(a) It is hereby declared to be the policy of this State that the open saloon shall not be reestablished. The sale of spirituous liquors, manufactured in whole or in part by means of the process of distillation and/or liquors compounded, and/or composed in part of such spirituous distilled liquors, for private profit, is prohibited within this State except when such sale is made to the State. The State of Texas shall have the exclusive right to purchase at wholesale and to sell at retail such distilled spirituous liquors. Such sale shall be made only in unbroken packages and no such liquors shall be consumed on the premises where sold. The Legislature shall pass laws to prescribe regulations rela-

tive to the manufacture, sale, transportation, and possession of such spirituous liquors and relative to the establishment of State dispensaries; provided, however, the Legislature shall have the power to regulate the sale for private profit and possession of distilled liquors for medicinal, scientific and mechanical purposes.

"The manufacture, sale, transportation, and possession of all liquors, the alcoholic content of which is entirely and exclusively the result of the fermentation process is hereby authorized under such restrictions as may be authorized by law.

"(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justice's precinct or incorporated town or city, may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

"(c) In all counties, justice's precincts or incorporated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such county, justice's precinct or incorporated town or city, any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purpose shall determine such to be lawful; provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature."

Sec. 2. Such proposed constitutional amendment shall be submitted to a vote of the qualified electors of

this State at a special election to be held throughout the State of Texas, on the third day of November, 1936, at which election all voters favoring said proposed amendment, shall write, or have printed on their ballots the words:

"For the amendment to the State Constitution providing for the establishment of a State Dispensary System having the exclusive sale of distilled liquors, and providing for local option."

And those voters opposed to said proposed amendment shall write or have printed on their ballots the words:

"Against the amendment to the State Constitution providing for the establishment of a State Dispensary System having the exclusive sale of distilled liquors, and providing for local option."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment, the same shall become a part of the State Constitution.

Sec. 3. The Governor shall issue the necessary proclamation for such election, and shall have the same published and such election held as provided by the Constitution and laws of this State.

Sec. 4. The sum of Eight Thousand (\$8,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for the expenses of said publication and election.

Read.

S. J. R. No. 3.

Senator Moore moved that the Senate adopt the conference committee report on S. J. R. No. 3.

Substitute Motion.

Senator Oneal moved as a substitute that the Senate do not adopt the conference committee report, but that the report be returned to the conference committee with instructions that they follow the instructions given in the first instance.

Motion to Table.

Senator Blackert moved to table the substitute motion.

The motion to table prevailed by the following vote:

Yeas—25.

Beck.	Davis.
Blackert.	DeBerry.
Burns.	Duggan.
Cotten.	Hill.

Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Moore.	Stone.
Neal.	Sulak.
Pace.	Westerfeld.
Poage.	Woodruff.
Rawlings.	

Nays—5.

Collie.	Small.
Isbell.	Van Zandt.
Oneal.	

Absent—Excused.

Fellbaum.

The question recurred on the motion of Senator Moore, to adopt the conference committee report on S. J. R. No. 3.

The motion prevailed by the following vote:

Yeas—29.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Nays—1.

Small.

Absent—Excused.

Fellbaum.

Senator Moore moved that the Senate adopt S. J. R. No. 3A.

The motion prevailed by the following vote:

Yeas—26.

Beck.	Moore.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Isbell.	Westerfeld.
Martin.	Woodruff.

Nays—4.

Hornsby. Sulak.
Small. Van Zandt.

Absent—Excused.

Fellbaum.

Senator Moore moved that S. J. R. No. 3 be adopted.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	Woodruff.
Moore.	

Nays—3.

Collie. Van Zandt.
Small.

Absent—Excused.

Fellbaum.

Motion to Reconsider.

Senator Moore moved to reconsider the vote by which S. J. R. No. 3A was adopted.

Motion to Table.

Senator Sanderford moved to table.
The motion to table prevailed by viva voce vote.

Motion to Reconsider.

Senator Moore moved to reconsider the vote by which S. J. R. No. 3 was adopted.

Motion to Table.

Senator Sanderford moved to table the motion to reconsider.

The motion to table prevailed by viva voce vote.

House Bill No. 472.

Senator Holbrook asked unanimous consent to suspend the regular order and take up H. B. No. 472.

There was objection.

Senator Holbrook moved to suspend the regular order and take up H. B. No. 472.

The motion lost by the following vote:

Yeas—12.

Beck.	Moore.
Blackert.	Neal.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Martin.	Westerfeld.

Nays—13.

Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Isbell.	Small.
Oneal.	Woodruff.
Pace.	

Absent.

Burns.	Regan.
Davis.	Sulak.
Hill.	

Absent—Excused.

Fellbaum.

Senate Resolution No. 94.

Senator Hornsby received unanimous consent to suspend the regular order and sent up the following resolution:

Whereas, Hon. M. S. Sloan, President of the M. K. & T. Railroad of Texas, a railroad serving Texas in a worthwhile manner, is in the city briefly; and

Whereas, Mr. Sloan is a man of great abilities, with a wonderful opportunity to serve Texas and to help Texas grow; now, therefore, be it

Resolved, by the Senate of Texas, That Mr. M. S. Sloan be invited to address the Senate and be accorded the privileges of the floor for himself and party.

HORNSBY.

Read and adopted.

The Chair appointed Senators Hornsby, Small and Regan to escort Hon. M. S. Sloan to the rostrum.

Hon. Coke Stevenson, Speaker of the House, being invited, occupied a seat on the rostrum.

Lieutenant Governor Walter F. Woodul presented the distinguished visitor to the Senate and he addressed the Senate.

Motion to Suspend Rule.

Senator Small received unanimous consent to suspend the regular order and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Senate Bill No. 527.

By Senator Small:

S. B. No. 527, A bill to be entitled "An Act to amend Subsection (m) of Section 7, H. B. No. 2, Chapter 13, Acts of Forty-second Legislature, Third Called Session, as amended by S. B. No. 300, Chapter 136, Acts Forty-third Legislature, Regular Session; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, May 1, 1935.

To the Senate of the Forty-fourth Legislature.

I ask the advise, consent, and confirmation of the Senate to the following appointments:

To be judge of the Sixtieth District Court of Jefferson County for the unexpired term of Judge J. D. Campbell, deceased:

R. L. Murray, of Jefferson County.

To be judge of the Criminal District Court of Jefferson County for the unexpired term of R. L. Murray, (who is appointed judge of the Sixtieth District Court):

R. A. Shivers, of Jefferson County.

Heretofore, I submitted for appointment as Sabine Bar Pilot Commissioners the names of A. E. Edwards and George Colburn. I find that Mr. Edwards initials were given wrong and should be E. A. Edwards.

I desire to withdraw the name of George Colburn for appointment as Sabine Bar and Pilot Commissioner and substitute therefor the name of Hunter Beaty, of Orange County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Senate Bill No. 114.

Senator Duggan sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 114, page 2, Section 3, Article 7321, lines 34, 35, and 36 by striking out the following:

"The commissioners' court of each county shall cause to be compiled by the assessor and collector of taxes, or under his direction."

and inserting in lieu thereof the following:

"Any county having as many as two years taxes delinquent, which have not been included in the delinquent record, the collector of taxes shall within two years from the effective date of this Act cause to be compiled."

DUGGAN.

Read and adopted.

Amendment No. 2.

Amend S. B. No. 114, page 4, Section 6, Article 7324-A, line 30, by inserting between the words "hereof" and "shall" in said line 30 the following:

"or the assessor and collector of taxes."

DUGGAN.

Read and adopted.

Amendment No. 3.

Amend S. B. No. 114, page 4, Section 6, Article 7324-A by eliminating lines 33, 34, and 35 and substituting in lieu thereof the following:

"after having examined said lists, shall by an order duly entered upon its minutes authorize the person so employed, or the assessor and collector, to present to the sheriff of such county a list of such property as in the best judgment of said court should be sold as provided for in this Act."

DUGGAN.

Read and adopted.

Amendment No. 4.

Amend S. B. No. 114, page 4, Section 7, Article 7324-B, line 39, by

inserting between the words "taxes" and "upon" the following:

"or the assessor and collectors of taxes."

DUGGAN.

Read and adopted.

At Ease.

On motion of Senator Oneal the Senate at 3:20 o'clock p. m., stood at ease for ten minutes to allow for an emergency meeting of the Committee on Governor's Nominations.

Senate Called to Order.

The Senate was called to order at 3:30 o'clock p. m.

Senate Bill No. 114.

Senator Duggan sent up the following amendments:

Amendment No. 5.

Amend S. B. No. 114 by adding at the end of Section 7 as a part of Article 7324-B the following:

"Lien holders may file name, address and description of the real property encumbered with the assessor and collector within ninety (90) days after this law goes into effect and thereafter each year before the expiration of the date when renditions of property must be made as provided by law, and such name and address filed thereafter from year to year shall be noted on the tax roll for the year filed, and the assessor and collector shall look to such data for the years that such name and address cannot be shown on the tax rolls and shall look to the rolls thereafter for the names and addresses of the lien holders for the giving of the notice and citation herein provided."

DUGGAN.

Read and adopted.

Motion to Reconsider.

Senator Rawlings moved to reconsider the vote by which amendment No. 5 was adopted.

The motion prevailed by viva voce vote.

Amendment No. 5 was adopted by viva voce vote.

Amendment No. 6.

Amend S. B. No. 114, page 4, Section 8, line 54, by striking out of said line 54 the following words:

"with the seal of his office affixed."

DUGGAN.

Read and adopted.

Amendment No. 7.

Amend S. B. No. 114 by striking out of Section 9, page 5, lines 15 and 16 the following words:

"All property shall be sold to the highest bidder for cash and"

and inserting in lieu thereof the following:

"No property shall be sold for more than the amount of the taxes, interest, penalty and costs. There shall be sold the least quantity of, or undivided interest in, the real property which any bidder will buy for cash equivalent to the amount of taxes, interest, penalty and costs; and if no bid is received for less than all of said property but a bid is received for all of same then all of same shall be sold for cash equivalent to the amount of taxes, interest, penalty and costs and such bidder in either event shall be deemed the best and highest bidder."

DUGGAN.

Read and adopted.

Amendment No. 8.

Amend S. B. No. 114, Section 9, page 5, Article 7324-D, line 16 by changing the word "if" so as to make the first letter of said word a capital."

DUGGAN.

Read and adopted.

Amendment No. 9.

Amend S. B. No. 114, Section 9, page 5, Article 7324-D, lines 33 to 41 by striking out the sentence beginning in line 33 and ending at the end of line 41.

DUGGAN.

Read and adopted.

Amendment No. 10.

Amend S. B. No. 114 by adding the following at the end of Section 9 as a part of Article 7324-D:

After sale the sheriff shall, upon receiving payment of the bid, execute, acknowledge and deliver a tax deed which tax deed when recorded, or a certified copy thereof, or when proved by other legal evidence shall be admissible in evidence in all

courts as prima facie evidence that the power to sell the property therein described existed at the time of the sale and that all of the prerequisites to the exercise of the power to make such sale and the requisites of the law in making the sale have been complied with.

DUGGAN.

Read and adopted.

Motion to Reconsider.

Senator Oneal moved to reconsider the vote by which Amendment No. 7 was adopted.

The motion prevailed by viva voce vote.

On motion of Senator Oneal Amendment No. 7 was laid on the table subject to call.

Executive Session.

On motion of Senator Oneal the Senate went into executive session at 3:50 o'clock p. m.

After Executive Session.

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in executive session.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as Chairman of said Committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To be Judge of the Sixtieth District Court of Jefferson County for the unexpired term of Judge J. D. Campbell, deceased:

R. L. Murray, of Jefferson County.

To be Judge of the Criminal Court of Jefferson County for the unexpired term of R. L. Murray, (who is appointed Judge of the Sixtieth District Court:)

R. A. Shivers, of Jefferson County.

To be Pilot Commissioners for Sabine Pass, River and Tributaries:

Walter Glass, Port Arthur, Jefferson County.

E. A. Edwards, Port Arthur, Jefferson County.

Ira Jones, Beaumont, Jefferson County.

W. C. Kelley, Beaumont, Jefferson County.

Hunter Beaty, of Orange County.

ONEAL, Chairman.

S. C. R. No. 50.

Senator Small sent up the following resolution:

Be it resolved by the Senate of the State of Texas, the House of Representatives Concurring: That the rules prohibiting the passage of Senate Bills on House Bill Day be, and the same are hereby suspended insofar as they may apply to Senate Bill No. 527, being

"An Act to amend Subsection (m) of Section 7, House Bill No. 2, Chapter 13, Acts of Forty-third Legislature, Third Called Session, as amended by Senate Bill No. 300, Chapter 136, Acts Forty-third Legislature, Regular Session; and declaring an emergency."

The same being known as the County and District Road Bond Assumption Law.

SMALL.

Senator Small moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 50 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 50 was adopted by viva voce vote.

Bills and Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 266.	H. B. No. 908.
H. B. No. 502.	H. B. No. 778.
H. B. No. 80.	H. B. No. 776.
H. B. No. 265.	H. B. No. 771.
H. B. No. 593.	H. B. No. 614.
H. B. No. 510.	H. B. No. 600.
H. B. No. 340.	S. C. R. No. 44.
H. B. No. 158.	S. C. R. No. 45.
H. B. No. 319.	S. C. R. No. 49.
H. B. No. 973.	

Resolution Referred.

H. S. R. No. 150 was referred to the Committee on Finance.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 45, Granting permission to W. C. Davis to sue the State of Texas and the Highway Department for personal injuries.

S. C. R. No. 44, Granting permission to Mrs. Rozella Graves, et al., to sue the State of Texas for damages to real property.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has laid on the table by a vote of 66 yeas and 58 nays, the following resolution:

S. J. R. No. 22, A joint resolution "Proposing an amendment to Section 1 of Article VIII of the Constitution of Texas by adding thereto a subsection to be known as Section 1-a of Article VIII, and providing for the limiting of the total amount of taxes assessed against property for all purposes in any one year to an amount not exceeding one (1%) per cent of the assessed valuation of such property; excepting taxes for payment of principal and interest on obligations heretofore incurred, which shall be separately assessed; providing for the increase of this limitation for a period of not more than five (5) years at any one time, to a total of not more than five (5%) per cent of the assessed valuation by vote of as many as two-thirds ($\frac{2}{3}$) of the qualified voters of any assessing district, or when provided for by the charter of a municipal corporation, and excepting taxes levied for the year 1935."

The House has laid on the table by a vote of 62 yeas and 48 nays, the following resolution:

H. J. R. No. 43, Proposing to re-

peal Article III of the Constitution of the State of Texas, the same being the article creating the Legislative Department of the State and to adopt and enact a new Article III in lieu thereof, reorganizing the Legislative Department of the State of Texas.

The House has passed the following bill:

H. B. No. 585, A bill to be entitled "An Act to amend Subdivision 13 of Article 6675a, Title 116, of the Revised Civil Statutes of the State of Texas, 1925, Acts 1929, Forty-first Legislature, Second Called Session, page 172, Chapter 88, as amended Acts 1933, Forty-third Legislature, page 547, Chapter 178, Section 1, relating to the issuing and manufacturing of license number plates so as to provide for the issuing of license number stickers, for attaching same, to authorize and require the State Highway Commission to design, have printed and/or manufacture such stickers; providing further that no stickers shall be issued until forty-five (45) days from the effective date of this Act, providing for the distribution of same by county tax collectors, so that stickers so distributed shall bear the same number as license number plates theretofore issued, etc."

The House has adopted the following resolution:

S. C. R. No. 49, Suspending Joint Rule No. 22 for the purpose of considering S. B. No. 525.

The House has concurred in Senate amendments to H. B. No. 77 by a vote of 115 yeas and 12 nays.

The House has adopted the Conference Committee report on S. J. R. No. 3 by a vote of 116 yeas and 17 nays.

The provisions of S. J. R. No. 3 were adopted by a vote of 123 yeas and 11 nays.

The provisions of S. J. R. No. 3a were adopted by a vote of 128 yeas and 7 nays.

The House has passed the following resolutions:

H. C. R. No. 102, Nullifying H. C. R. No. 66 and providing for sine die adjournment of the Regular Session of the Forty-fourth Legislature at 12 o'clock noon May 11, 1935.

S. C. R. No. 50, Suspending Joint Rule No. 22 of the House and Senate for the purpose of allowing the Sen-

ate to consider until disposed of S. B. No. 527.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 114.

Senator Duggan sent up the following amendment:

Amend S. B. No. 114, Section 13, Article 7283, page 8, lines 11 and 12, by striking out the following words:

"In same manner as provided in Section 9 of Article 7324-D"

and inserting in lieu thereof the following:

"who shall hold same in trust to be paid to the purchaser at the tax sale, or proper party or parties, provided anyone claiming the same shall make proof of his claim in three (3) years after the sale of the lots or land involved, to the satisfaction of the Treasurer, after which the same shall be governed by the laws relating to escheat."

DUGGAN.

Read and adopted.

Senator Redditt sent up the following amendment:

Amend S. B. No. 114 on page 7 by adding immediately following Section 10 a new Section to be known as Section 10a:

"All current tax rolls shall be prepared and approved as now required by law by October 1st of each year. If in the event for any reason said rolls are not prepared and/or approved by said date, any taxpayer shall have the right to pay the amount of taxes due to the Assessor and Collector of Taxes as shown by tentative rolls or order of the Commissioners' Court sitting as a board of equalization in order to receive any discount for payment as now provided by law."

REDDITT.

Read and adopted.

Senator DeBerry sent up the following amendments:

Amendment No. 1.

Amend S. B. No. 114 by adding at the end of line 31 on page 2 of the printed bill the following:

"Provided further that the collection of all delinquent ad valorem taxes due the State, county municipi-

ality or other defined subdivision that were delinquent prior to December 31st., 1919 is forever barred."

DeBERRY.

Read and adopted.

Amendment No. 2.

Amend S. B. No. 114, Sec. 16 by changing the words and figures 15% to 10% and the words and figures 7½% to 5%.

DeBERRY.

Read and adopted.

Senator Westerfeld sent up the following amendment:

Amend S. B. No. 114, page 8, Section 16, after the word "collected" in line 57 by adding the following:

"Provided, however, that no delinquent tax collector shall be entitled to any sum whatsoever where a sale is had without proper notice to all parties entitled to the same, or where there is any material defects or irregularities in the proceedings under which the sale is made; and, in event property is sold for taxes and thereafter it shall appear that the title to such property is defective or void on account of any irregularities or defects in any proceeding incident to the sale, such delinquent tax collector shall thereupon become bound and obligated to repay to the purchaser at such sale any sums he may have received as compensation for making such sale; and provided further that no such claim against a tax collector for fees erroneously collected shall be barred by limitation for a period of five years."

WESTERFELD.

On motion of Senator Rawlings the amendment was withdrawn temporarily.

Submitted again and adopted.

Amendment No. 7.

Amend Senate Bill No. 114 by striking out of Section 9, page 5, lines 15 and 16 the following words:

"All property shall be sold to the highest bidder for cash and"

and inserting in lieu thereof the following:

"No property shall be sold for more than the amount of the taxes, interest, penalty and costs, provided that if there are more than one bid-

der at such sale, the owner of the property shall have the right to designate to which bidder the sale may be made. There shall be sold the least quantity of the real property which any bidder will buy for cash equivalent to the amount of taxes, interest, penalty and costs; and if no bid is received for less than all of said property but if a bid is received for all of same then all of same shall be sold for cash equivalent to the amount of taxes, interest, penalty and costs, and such bidder in either event shall be deemed the best and highest bidder."

ONEAL.

Read and adopted.

Amend S. B. No. 114 by adding in Section 10, immediately after subdivision No. 6 another subdivision to be numbered 6-a, and to read as follows:

"6-a. Any owner and holder of a valid lien against such property shall have the right at any time after six months from the date of the payment of said taxes and before the foreclosure of such tax lien to pay to the holder of such lien the amount he paid for the same, together with the interest accrued thereon according to his contract with the owner at whose request he paid such taxes, plus the expenses of recording the same, and thereby become subrogated to all rights as to such lien."

ONEAL.

Read and adopted.

Amend S. B. No. 114 by striking out of Section 9 the following language which appears in lines 30 to 33, page 5 of printed bills:

"The commissioners' court may in such cases, in its discretion adjust the valuation of such property so that the remainder of the taxes, penalty, and interest may be removed from the delinquent tax roll as an error."

ONEAL.

Read and pending.

Senator Collie sent up the following substitute for the amendment by Oneal:

Amend C. S. for S. B. No. 114, page 5, line 30, between the words "court," and "may" by inserting the following:

"City Councils and other governing bodies."

COLLIE.

Read and pending.

Motion to Recess.

Senator Rawlings at 5:30 o'clock p. m. moved that the Senate recess until 10 o'clock a. m. Thursday.

Motion pending.

Senator Woodruff moved that the Senate recess until 8: o'clock p. m. Pending.

Senate Bill No. 525.

Senator Cotten asked unanimous consent to take up S. B. No. 525.

Point of Order.

Senator DeBerry raised the point of order that a motion to recess was pending and no business could be transacted under that motion.

The Chair sustained the point of order.

Recess.

The motion to recess prevailed by the following vote:

Yeas—19.

Beck.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Isbell.	Small.
Martin.	Stone.
Moore.	Westerfeld.
Oneal.	

Nays—10.

Blackert.	Neal.
Cotten.	Pace.
DeBerry.	Sulak.
Hill.	Van Zandt.
Hornsby.	Woodruff.

Absent.

Duggan.

Absent—Excused.

Fellbaum.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 516

carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 520 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 473 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 496 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 1, 1935

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 513 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 524 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 465 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 18 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 45 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 44 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 1, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 49 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 736, A bill to be entitled "An Act repealing Section 7, Section 14 and Section 29 of House Bill 122, Chapter 116, General Laws of the Forty-third Legislature, Regular Session, and inserting new sections known as Section 7, Section 14 and Section 29 therein; etc., providing the creation of a beer tax fund and that refunds and stamp redemptions be made from such fund before allocation; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with

committee amendments Nos. 1-13, inclusive, and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 736, page 20, line 9, by inserting between the words "Treasury," and "which" the words "in a special fund."

Committee Amendment No. 2.

Amend H. B. No. 736, page 23, line 33, by striking out the words "be kept" and inserting in lieu thereof the word "keep."

Committee Amendment No. 3.

Amend H. B. No. 736, page 24, line 40, by striking out the numerals "112" and inserting in lieu thereof the numerals "122."

Committee Amendment No. 4.

Amend H. B. No. 736, page 30, line 19, by striking out the word "conspicuous" and inserting in lieu thereof the word "conspicuous."

Committee Amendment No. 5.

Amend H. B. No. 736, page 30, line 28, by striking out the word "alcoholic" and inserting in lieu thereof the word "alcoholic."

Committee Amendment No. 6.

Amend H. B. No. 736, page 36, line 25, Section 26, by striking out the following: "(a) This Act shall take effect and become a law on September 1, 1935. (b)."

Committee Amendment No. 7.

Amend H. B. No. 736, page 39, line 14, Section 16, by striking out the words "business of such retail dealer" and inserting in lieu thereof the following: "serving or dispensing of beer by such retail dealer."

Committee Amendment No. 8.

Amend H. B. No. 736, page 52, lines 1 and 2, by striking out the words "No labels shall bear the words 'ale,' 'porter,' 'stout'" and inserting in lieu thereof the following: "The manufacture, importation, transportation and sale of ale containing not more than three and two-tenths per cent of alcohol by weight shall be subject to the same limitations, restrictions, regulations and

taxations as beer and any person holding a valid subsisting permit to manufacture, import, distribute or sell beer shall be authorized to manufacture, import, distribute or sell ale containing not more than three and two-tenths per cent (3.2%) of alcohol by weight. Ale shall be distinctly labeled "ale" and no beer shall be labeled 'ale,' 'porter,' or 'stout.'"

Committee Amendment No. 9.

Amend H. B. No. 736 by striking out subsection (1) of Section 20.

Committee Amendment No. 10.

Amend H. B. No. 736 by adding a new subsection at the end of Section 19, said subsection to be known as Subsection (h) and reading as follows:

"(h) No person under the age of eighteen (18) years shall be employed to sell, handle or dispense, nor to assist in the selling, handling or dispensing of beer in any establishment where beer is sold by retail to be consumed on the premises where sold.

"If any person shall violate any provision of this subdivision, he shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine in the sum of not less than Twenty-five Dollars (\$25) and not more than Five Hundred Dollars (\$500), or by imprisonment in the county jail not more than six months or by both such fine and imprisonment."

Committee Amendment No. 11.

Amend House Bill No. 736, Section 3, Subdivision b by striking out the words and figures "fifty dollars (\$50.)" and inserting in lieu thereof the words and figures "twenty-five dollars (\$25.)"

Committee Amendment No. 12.

Amend House Bill No. 736, Section 3, Subdivision b, by striking out the words and figures "one hundred dollars (\$100.)" and inserting in lieu thereof the words and figures "fifty dollars (\$50.)"

Committee Amendment No. 13.

Amend House Bill No. 736 by striking out beginning with the word "no" in line 34, page 32 of the House printed bill down to and in-

cluding the end of the paragraph in line 39.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. C. R. No. 55, A resolution for the establishment of the "Cimarron Base Line" as the true boundary line between the States of Oklahoma and Texas, and settling any other matters relating thereto.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 33, A bill to be entitled "An Act to amend Article 5515 of the Revised Civil Statutes of the State of Texas and more clearly defining 'Adverse Possession,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

REGAN, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 365, A bill to be entitled "An Act defining the meaning of certain words, terms and phrases used in this Act; creating the Board of Public Utility Commissioners of Texas; etc., providing for the regulation, government and supervision of public utilities and their functions; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass with committee amendment and neither the bill nor the amendment be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 89, A bill to be entitled "An Act to amend Sections 1, 6 and 8 of H. B. No. 154, Chapter 162, Acts of Regular Session, Forty-third Legislature, 1933, and Sections 3, 5 and 9 of H. B. No. 154, Chapter 162, Acts of the Regular Session, Forty-third Legislature as amended by H. B. No. 55, Chapter 12, First Called Session of the Forty-third Legislature, defining certain terms; making producer of oil primarily liable for tax; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 492, A bill to be entitled "An Act providing for the combining of the public welfare services now administered by the Board of Control through the Texas Relief Division, the Division of Child Welfare, and the Division of Eleemosynary Institutions and for the administering of these services by the Division of Public Welfare of the State Board of Control, which is herein created, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 47,

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 328, A bill to be entitled "An Act to amend Chapter 116, General Laws, Forty-third Legislature, Regular Session, 1933, the same being H. B. No. 122, printed at page 288, General Laws of the State of Texas, passed by the Forty-third Legislature at the Regular Session, 1933, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 891, A bill to be entitled "An Act authorizing the appointment of Assistant County Attorneys in counties containing a population of more than forty-six thousand (46,000) and less than forty-six thousand, one hundred and fifty (46,150) inhabitants, and containing a total taxable valuation not in excess of Thirty Million, Seven Hundred and Forty-two Thousand, Six Hundred and Sixty Dollars (30,742,660), etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 688, A bill to be entitled "An Act to amend Section 1 of Chapter 117 being H. B. No. 847, passed by the Forty-second Legislature of the State of Texas as ap-

pears from Page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. C. R. No. 98, A concurrent resolution requesting establishment of C. C. C. Camps along Sulphur River.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

BECK, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Honorable Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 525, A bill to be entitled "An Act to reorganize the 87th Judicial District of Texas, to be constituted of Limestone, Freestone and Anderson County, Texas, and to provide for the terms thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MARTIN, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 885, A bill to be entitled "An Act authorizing Real County to issue certain warrants or other evidences of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway Number 41, in the County of Real; to place such

indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the "County and Road District Highway Fund"; declaring that this Act shall prevail over all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 674, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional Section to permit the Highway Commission of Texas to acquire, construct and maintain interstate bridges without the joinder of the Highway Commissions of the adjoining States, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be not printed.

HOPKINS, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 674 by striking out all of Section 4-a in Section 1 and inserting in lieu thereof the following:

"In the event the Highway Commission of the states adjoining the State of Texas are unwilling, or are unable by the provisions of their laws, to join with Texas in acquiring bridges and franchises across Red River, then in such event the Highway Commission of Texas is authorized to acquire such bridges and franchises as may cross the northern boundary of Texas over Red River without the joinder of such neighboring states or their Highway Commission, provided, however, that in such purchase the replacement value of the physical

properties only shall constitute the purchase price, and in no event shall more than \$100,000.00 be expended and provided further that the Highway Commission of Texas is hereby authorized only to purchase such bridges as may have owned a right of operation existing for forty years or more prior to the date of this Act.

Committee Report.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President
of the Senate.

We, your Committee on Banking, to whom was referred House Bill No. 578, an act authorizing and providing for County Depositories for county funds, have had same under consideration and I am directed to report back favorably with recommendation that it do pass and be not printed.

Sanderford, Westerfeld, Holbrook, Isbell, Regan, Collie.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 518, A bill to be entitled "An Act exempting from taxation institutions or organizations such as Texas Federation of Women's Clubs of Texas or local organizations of such a body, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 201, A bill to be entitled "An Act repealing Article 307 of the Revised Civil Statutes of Texas, 1925; further providing that said Act shall be effective on and after July 1, 1937."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 925, A bill to be entitled "An Act amending Article 4631, Revised Civil Statutes of the State of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 959, A bill to be entitled "An Act giving civil jurisprudence to the Criminal District Court of Dallas County and Criminal District Court No. 2 of Dallas County of suits and causes in matters of divorce, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 968, A bill to be entitled "An Act providing for the appointment of an official court reporter in and for each county court at law, of Bexar County, Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 783, A bill to be entitled "An Act amending Article 7924, of Chapter 4, of the Revised Civil Statutes of Texas, of 1925, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 420, A bill to be entitled "An Act amending Article 2094, Chapter 7, Title 42, Revised Civil Statutes of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, Page 89, Chapter 43, Section 1, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 711, A bill to be entitled "An Act exempting the State of Texas, any county in the State, and State departments, or the head of any State department and corporations created and/or to be created by or under the authority of any Act of Congress of the United States of America as a national relief organization from giving security for costs or the posting of bond or bonds in securing any extraordinary writs in any action brought in their official capacity in the courts of this State; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 30, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 726, A bill to be entitled "An Act providing for the appointment of grand jury bailiffs in counties having a population in excess of three hundred and twenty-five thousand inhabitants, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 835, A bill to be entitled "An Act amending Article 7260, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 552, A bill to be entitled "An Act authorizing the selection and the summoning of a general Jury panel for jury service in the district and county courts in counties of Texas wherein two (2) or more district courts are situated and maintained; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 645, A bill to be entitled "An Act to amend Article 3321, Title 54, Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 394, A bill to be entitled "An Act to amend Chapter 172, Gen-

eral Laws of Texas, Forty-third Legislature, Regular Session 1933, which was an amendment to Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, Sections 95-a and 95-b of said Article being amended and to be henceforth known as Section 95-a of said Article."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 409, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 515, A bill to be entitled "An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same and designating the powers and duties of such districts; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 373, A bill to be entitled "An Act amending Section 6 of House Bill 303, Chapter 245, page 856 of the Acts of the Regular Session of the Forty-third Legislature to provide for an adequate and efficient method of examining statewide mutual assessment insurance associations and companies qualifying and/or operating under the above Chapter and providing for the examination of said companies and associations every two (2) years or oftener, if deemed advisable, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 372, A bill to be entitled "An Act to amend Article 4875a-21, Revised Civil Statutes of Texas, of 1925, to provide for an adequate and efficient method of examining local mutual aid associations organized and operating under Chapter 9-a of the Revised Civil Statutes of Texas, of 1925, and providing for an examination of said associations every two (2) years or oftener, if deemed advisable, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,

Austin, Texas, April 30, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 417, A bill to be entitled "An Act amending Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, with respect to the powers and duties of the Insurance Commission, so as to require, in the approval, promulgation and/or fixing of rates for insurance in this State where such authority or power

is extended to the Commission, that said Commission shall give consideration to the experience on the class of coverage and class of risks over a period of at least five years, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, with committee amendments.

COLLIE, Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 417, Section 1, line 2, by inserting between the word "rate" and the word "or" the following:

"and/or maximum rate"

Amend the caption to conform hereto.

Committee Amendment No. 2.

Amend Senate Bill No. 417 by inserting a new section immediately following Section 2, to be known as Section 2a, and to read as follows:

"Sec. 2a. The Commission in approving, promulgating, and/or publishing any rate and/or maximum rate or rates, is authorized, empowered and directed to determine the reasonableness of every item of expense entering into that part of any rate and commonly known as the 'expense ratio' and may fix a maximum limitation for each and every item of such expense ratio; provided however that said Commission shall not approve, promulgate and/or fix any rate and/or maximum rate providing for an expense ratio allowance of more than 40% of the premium dollar. Provided further, that such expense ratio shall include the item of 'claims adjustment expense,' allocated and/or unallocated, and that the 'loss ratio' in any rate and/or maximum rate shall consist of nothing more than the actual losses, known as the 'pure premiums.'"

Amend the caption of the bill to conform hereto.

Committee Amendment No. 3.

Amend Senate Bill No. 417 and amend the caption to conform hereto by adding a new section immediately preceding Section 3, to be known as Section 2b, and to read as follows:

"Sec. 2b. The Commission shall

require each insurer affected by this Act to file annually a sworn statement of the premiums collected on each classification, or classifications, and a sworn statement of the losses incurred annually, segregated from such statement of losses incurred the amount actually paid out in settlement of losses, provided that where payment is being made weekly or monthly, as the case may be, and the actual amount to be finally paid in settlement of the loss has been definitely determined, established and agreed upon, the aggregate of payments already made and those yet to be made, may be considered for the purpose of this Act as the amount actually paid out in settlement of losses. Provided further that the claims adjustment expense allocated both to incurred losses and to the amount actually paid out in settlement of losses shall be reported separately on such statement and that the amount allocated to each shall be separately shown."

Committee Amendment No. 4.

Amend the caption of Senate Bill No. 417, line 11, by striking out after the word "Profit" the following: "Such Commission shall take into a fair margin of profit"

Committee Amendment No. 5.

Amend Senate Bill No. 417, Section 1, line 3, by inserting after the word "insurance" and before the word "in" the following: "except life insurance"

Amend the caption to conform hereto.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 978, A bill to be entitled "An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the method for the creation of same and designating the powers and duties of such district; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.

REGAN, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 169, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population of not less than 77,000, and not more than 77,600, according to the preceding Federal census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 169 by inserting in line 6 of Section 3 after the figures "fifteen thousand five hundred sixty (15,560)" and before the word "according" the following:

"And in counties having a population of not less than nineteen thousand one hundred thirty (19,130) and not more than nineteen thousand three hundred (19,300); and in counties having a population of not less than thirty-four thousand six hundred (34,600) and not more than thirty-four thousand seven hundred (34,700)."

Committee Amendment No. 2.

Amend H. B. No. 169 by inserting in line 6 of Section 1 after the figures "fifteen thousand five hundred sixty (15,560)" and before the word "according" the following:

"And in counties having a population of not less than nineteen thousand one hundred thirty (19,130) and not more than nineteen thousand three hundred (19,300); and in counties having a population of not less than thirty-four thousand six hundred (34,600) and not more than thirty-four thousand seven hundred (34,700)."

Committee Amendment No. 3.

Amend the caption to H. B. No. 169 by inserting in line 8 after the numbers "fifteen thousand five hundred sixty (15,560)" and before the word "according" the following:

"And in counties having a population of not less than nineteen thousand one hundred thirty (19,130) and not more than nineteen thousand three hundred (19,300); and in counties having a population of not less than thirty-four thousand six hundred (34,600) and not more than thirty-four thousand seven hundred (34,700)."

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 527, A bill to be entitled "An Act to amend Sub-section (m) of Section 7, House Bill No. 2, Chapter 13, Acts of Forty-second Legislature, Third Called Session, as amended by Senate Bill No. 300, Chapter 136, Acts Forty-third Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 336, A bill to be entitled "An Act to amend Article 755, of Chapter 1, Title 9, Code of Criminal Procedure of the State of Texas, of 1925, prescribing the time when motions for new trials may be made in misdemeanors and felony trials, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 906, A bill to be entitled "An Act authorizing J. F. Akin, F. F. Rochelle and the Texarkana National Bank, a corporation, to sue the State of Texas to recover the amount due, or that may be found to be due upon Comptroller's Deficiency Certificate No. 2417, for the sum of Two Hundred and Sixty-four Dollars (\$264), etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, May 1, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Labor to whom was referred

H. B. No. 156, A bill to be entitled "An Act defining the term 'person' as used in the act; prohibiting any person from withholding or deducting from the wages of an employe for any purpose except for hospitalization; prohibiting any person from requiring an employe to make a contribution to any fund as a condition precedent to obtaining employment; prohibiting any person from requiring an employe to join any association or withhold any part of an employe's wages for the payment of dues or assessments in any society or organization, or to require either as a condition precedent to obtaining employment; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that in lieu thereof the committee substitute attached hereto do pass and be not printed.

SHIVERS, Acting-Chairman.

COMMITTEE SUBSTITUTE

A BILL

To Be Entitled

An Act prohibiting the refund of wages under personal service contract; defining the word 'person'; making exception of labor officials acting as agent of duly constituted labor organizations; providing a penalty and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The term person as

used in this Act shall include any firm, partnership, association, corporation or group of persons.

Sec. 2. Whenever an agreement for the performance of personal services requires that workmen engaged in its performance shall be paid the prevailing rate of wages, it shall be unlawful for any person, either for himself or any other person, to request, demand, or receive either before or after such workman is engaged, that such workman pay back, return, donate, contribute or give any part or all of said workman's wages, salary, or thing of value, to any person, upon the statement, representation or understanding that failure to comply with such request or demand will prevent such workman from procuring or retaining employment, and any person who directly or indirectly aids, requests or authorizes any other person to violate any of the provisions of this section shall be guilty of a violation of the provisions of this act.

Sec. 3. The provisions of this act shall not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

Sec. 4. A violation of any of the provisions of Section 2 of this Act shall constitute a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars or by imprisonment in the county jail for a period not to exceed thirty (30) days or by both such fine and imprisonment.

Sec. 5. The fact that there is not a law on the statute books of Texas prohibiting or regulating the kicking back of wages earned, and that this vicious practice is now being prosecuted by many subcontractors and employers of labor creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that said act shall be in force and effect after its passage, and it is so enacted.

Minutes of Committee Meetings.

Minutes of Regular Meeting of
Committee on Insurance,
Held April 30, 1935.

The Committee was called to or-

der by the Chair at 9 a. m., with the following members present:

Collie, Holbrook, Pace, Westerfeld, Woodruff.

The Chair laid before the Committee S. B. No. 246. Senator Pace moved that S. B. No. 246 be reported favorably with recommendation that it do pass and be not printed. Motion adopted by viva voce vote. Senator Holbrook raised the point of order that no quorum was present. Senator Woodruff moved a call of the Committee to dispose of pending business. Motion adopted by viva voce vote, and the Sergeant-at-Arms was asked to call all members.

After the call, the following were present: Collie, Isbell, Cotten, DeBerry, Holbrook, Moore, Pace, Poage, Rawlings, Sulak, Westerfeld, Woodruff. Absent: Shivers (excused).

H. B. No. 372 was reported favorably with recommendation that it do pass.

H. B. No. 373 was reported favorably with recommendation that it do pass.

S. B. No. 417, with committee amendments, was reported favorably with recommendation that it do pass.

On April 29, 1935, H. B. No. 522, with amendments, was reported favorably with recommendation that it do pass, by floor report signed by the following members of the Committee: Holbrook, Shivers, DeBerry, Cotten, Isbell, Woodruff, Westerfeld, Rawlings.

ANNA MAY CULLEN, Secretary.

FIFTY-SEVENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
May 2, 1935.

The Senate met at 10 a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 525.

Senator Cotton received unanimous consent to suspend the regular order and take up a local bill, S. B. No. 525.

The Chair laid before the Senate on its second reading the following bill: